

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO.: 1200
DELEGATION NO.: 8-10-A**

DELEGATION OF AUTHORITY

DATE: 4-10-2017

SOLID WASTE DISPOSAL ACT

8-10-A. Civil Judicial Enforcement Actions, Including Collection Actions

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 8-10-A issued by EPA Headquarters on January 18, 2017.

B. Authority.

- a. To request the Attorney General (AG) to appear and represent the Agency in any civil enforcement action and to intervene in any civil enforcement actions instituted under the Solid Waste Disposal Act (SWDA), as amended, including an action to collect unpaid penalties.
- b. To give notice of any such suit to the appropriate State.
- c. To request the AG to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil enforcement action.

2. TO WHOM REDELEGATED.

A. The Director, Office of Environmental Stewardship (OES) may exercise the authorities in 1.B.a. through 1.B.c..

3. REDELEGATION AUTHORITY.

A. The authorities in 1.B.a. through 1.B.c. may be redelegated to the Branch Chief level, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OES, or his/her designee, must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the action before exercising the authorities in 1.B.a. and 1.B.c. The Manager, Legal Enforcement Office, OES, or his/her designee, may waive concurrence in writing.

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B. The Director, OES, or his/her designee, must notify the Regional Administrator (RA) and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) when exercising the authority in 1.B.a. and prior to exercising the authorities in 1.B.c. The RA and the AA for OECA may waive the requirement for notification in writing.

C. The authorities in 1.B.a. through 1.B.c. may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

D. The AA for OECA must notify the appropriate RA prior to exercising the authorities in 1.B.a. through 1.B.c.

E. Any exercise of the appeal authority will be by the General Counsel and the AA for OECA. Either office may waive joint exercise of authority to appeal in writing.


5. ADDITIONAL REFERENCES.

A. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).

B. SWDA Sections 3008, 3013, 7003, and 9006.

C. See the Chapter 8 delegation entitled *Emergency TROs* for the Director, OES' authority to make direct referrals of requests for emergency SWDA temporary restraining orders.

6. SUPERSESSSION. None.



Deborah A. Szaro
Acting Regional Administrator

4/10/17

Date